

By: Kuempel

H.B. No. 3374

Substitute the following for H.B. No. 3374:

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C.S.H.B. No. 3374

A BILL TO BE ENTITLED

AN ACT

relating to the registration and regulation of certain communication access realtime translation providers; imposing a civil penalty; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 2, Government Code, is amended by adding Subtitle M to read as follows:

SUBTITLE M. REGULATION OF OTHER PROFESSIONS

CHAPTER 176. COMMUNICATION ACCESS REALTIME TRANSLATION PROVIDERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 176.001. DEFINITIONS. In this chapter:

(1) "CART provider" means an individual who holds a certificate of registration issued by the office of court administration to engage in the practice of communication access realtime translation in this state.

(2) "Communication access realtime translation" or "CART" means the immediate, verbatim translation of the spoken word into English text by a CART provider.

(3) "Deaf" means having a hearing impairment of such severity that an individual must depend on visual methods to communicate.

(4) "Hearing impairment" means a disability that results in a loss of hearing function to an individual and in which the individual:

1 (A) relies on residual hearing; and

2 (B) may depend on visual methods to communicate.

3 (5) "Office of court administration" means the Office
4 of Court Administration of the Texas Judicial System.

5 (6) "Practice of communication access realtime
6 translation" means the facilitation of communication between an
7 individual who is deaf or has a hearing impairment and another
8 individual through the use of communication access realtime
9 translation.

10 Sec. 176.002. APPLICABILITY OF CHAPTER. This chapter does
11 not apply to a person who:

12 (1) is licensed by another state to engage in the
13 practice of communication access realtime translation and who
14 engages in the practice of communication access realtime
15 translation in this state:

16 (A) for not more than 30 days in a calendar year;
17 or

18 (B) by teleconference, if the services provided
19 are necessary because a CART provider registered in this state is
20 not available;

21 (2) engages in the practice of communication access
22 realtime translation solely for meetings of a nonprofit or
23 religious organization;

24 (3) engages in the practice of communication access
25 realtime translation as necessary for the provision of an emergency
26 medical or governmental service to a person who is deaf or has a
27 hearing impairment; or

1 (4) is a certified CART provider, as defined by
2 Section 57.001.

3 Sec. 176.003. RULEMAKING AUTHORITY. The office of court
4 administration may adopt rules necessary to implement this chapter.

5 SUBCHAPTER B. CERTIFICATE OF REGISTRATION

6 Sec. 176.051. CERTIFICATE OF REGISTRATION REQUIRED. A
7 person may not engage in the practice of communication access
8 realtime translation in this state unless the person holds a
9 certificate of registration issued by the office of court
10 administration.

11 Sec. 176.052. CERTIFICATE OF REGISTRATION APPLICATION. An
12 applicant for a certificate of registration under this chapter
13 shall submit an application to the office of court administration
14 on the form and in the manner provided by the office of court
15 administration. The application must include:

16 (1) proof that the applicant is at least 18 years of
17 age;

18 (2) proof that the applicant holds a certificate to
19 provide communication access realtime translation services issued
20 by the Texas Court Reporters Association or another certification
21 association selected by the office of court administration;

22 (3) proof that the applicant has complied with the
23 education, training, experience, and other requirements for
24 engaging in the practice of communication access realtime
25 translation as prescribed by office of court administration rule;
26 and

27 (4) any other information the office of court

1 administration may require.

2 Sec. 176.053. CERTIFICATE OF REGISTRATION REQUIREMENTS.

3 The office of court administration by rule shall establish the
4 training, educational, and experience requirements for a
5 certificate of registration under this chapter. In developing the
6 requirements, the office of court administration shall consider the
7 best interests of individuals who are deaf or have a hearing
8 impairment.

9 Sec. 176.054. ISSUANCE OF CERTIFICATE OF REGISTRATION;

10 TERM. (a) The office of court administration shall issue a
11 certificate of registration to an applicant who complies with
12 Sections 176.052 and 176.053 and rules adopted under this chapter.

13 (b) The certificate expires on the first anniversary of the
14 date of issuance.

15 Sec. 176.055. REGISTRY OF COMMUNICATION ACCESS REALTIME
16 TRANSLATION PROVIDERS. (a) The office of court administration
17 shall establish and maintain a registry of CART providers. The
18 registry must:

19 (1) include the name of each CART provider and any
20 other information prescribed by the office of court administration;
21 and

22 (2) indicate if a CART provider is also a certified
23 CART provider, as defined by Section [57.001](#).

24 (b) The office of court administration shall post the
25 registry on the office of court administration's Internet website.
26 The office of court administration shall provide a copy of the
27 registry to any person without charge.

1 Sec. 176.056. ANNUAL RENEWAL. To continue to engage in the
2 practice of communication access realtime translation, a person
3 must obtain a renewal certificate of registration not later than
4 the anniversary of the date on which the initial registration was
5 issued.

6 Sec. 176.057. FEES. The office of court administration by
7 rule may impose fees to cover the cost of administering this
8 chapter. The office of court administration shall set fees for
9 issuing or renewing a certificate of registration in amounts
10 designed to allow the office of court administration to recover
11 from certificate holders all of the office of court
12 administration's direct and indirect costs in administering and
13 enforcing this chapter.

14 Sec. 176.058. ETHICAL STANDARDS. The office of court
15 administration shall develop by rule ethical standards for CART
16 providers. The ethical standards must require that a CART provider
17 maintain the confidentiality of all communications between a CART
18 provider and an individual receiving the CART provider's services.

19 SUBCHAPTER C. ENFORCEMENT

20 Sec. 176.101. CIVIL PENALTY; INJUNCTION. (a) A person who
21 violates this chapter or a rule adopted under this chapter is
22 subject to a civil penalty of not less than \$50 or more than \$2,000
23 for each act of violation. Each day of a violation is a separate
24 violation for purposes of this section.

25 (b) If it appears that a person has violated or is
26 threatening to violate this chapter or a rule adopted under this
27 chapter, the attorney general, at the request of the office of court

1 administration, may file an action for:

2 (1) injunctive relief to restrain the person from
3 continuing the alleged violation;

4 (2) a civil penalty described by Subsection (a); or

5 (3) both injunctive relief and the civil penalty.

6 (c) The attorney general may recover reasonable costs and
7 fees incurred in bringing an action under this section.

8 SECTION 2. (a) The Office of Court Administration of the
9 Texas Judicial System shall adopt rules necessary to implement
10 Chapter 176, Government Code, as added by this Act, not later than
11 January 1, 2018.

12 (b) Notwithstanding Chapter 176, Government Code, as added
13 by this Act, a person is not required to hold a certificate of
14 registration under that chapter to engage in the practice of
15 communication access realtime translation until September 1, 2018.

16 SECTION 3. This Act takes effect September 1, 2017.